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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,088	03/12/2004	Shinya Haraguchi		8524

7590 08/25/2005

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EXAMINER


KIM, AHSHIK

ART UNIT PAPER NUMBER

2876

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,088	Applicant(s) HARAGUCHI, SHINYA 	
	Examiner Ahshik Kim	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/27/05 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is
eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)
has been timely paid, the finality of the previous Office action has been withdrawn pursuant to
37 CFR 1.114. Applicant's submission filed on June 27, 2005 has been entered.

Amendment

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2. Pursuant to filing of the request for continued examination, the amendment filed on May
25, 2005 is entered. In the amendment claim 5 and 9 were amended. Currently, claims 5-9
remain for examination.

Claim Rejections - 35 USC § 102

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

20 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated Pieterse et al.
(US 5,714,741, previously cited, hereinafter “Pieterse”).

Re claims 5 and 6, Pieterse teaches a method and the apparatus for processing data in a portable terminal 13 having an interface 1 for connecting with an integrated circuit (IC) card (11) (see abstract; col. 2, lines 37+; col. 4, lines 3+). The device allows users to consummate financial transaction (col. 1, lines 26+) where the users are required to enter identification
5 information (col. 1, lines 39+). The identification number such as PIN number can be either entered or stored in the interface device or in the IC card (col. 5, line 62 – col. 6, line 8). The card information such as remaining balance is updated (col. 6, line 66 – col. 7, line 13; col. 10, lines 1-13). As shown in figure 6, the interface device and the host (or the secure module) communicate in asynchronous fashion (meaning that one sends the command, and the other
10 acknowledges and responds to the command).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

15 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20 5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pieterse et al. (US 5,714,741) in view of Zuppich (US 6,213,392, hereinafter “Zuppich”). The teachings of Pieterse have been discussed above.

Pieters, however, fails to specifically teach or fairly suggest the result of writing
25 operation is checked for error condition, which includes producing a buzzer sound.

Zuppichich teaches a smart card and smart card interface system (see abstract), comprising, among other things, a buzzer (col. 6, lines 33+). The audible buzzer is activated in error condition, which includes write command (see table 6, and various other tables).

In view of Zuppichich's teaching, it would have been obvious to an ordinary skill in the art
5 at the time the invention was made to employ well-known error-handling routine including an audible sound to the teachings of Pieters in order to let the users know the result of operation in user-friendly manner. Use of alerting means (i.e, blinking LED or buzzer sound) when the operations are not successfully performed is generally known in the art. Such feature can be particularly useful when the card interface and remote device interact in asynchronous manner in
10 that one device has to receive or acknowledged d of the other device. Accordingly, incorporating user-alerting or user-prompting means such as a buzzer so that users can fix the error condition would have been an obvious expedient, well within one ordinary skill in the art.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pieterse et al. (US
15 5,714,741) in view of Davis et al. (US 6,311,167, hereinafter "Davis"). The teachings of Pieterse have been discussed above.

Pieters, however, fails to specifically teach or fairly suggest that the portable terminal is a pager.

Davis discloses a portable 2-way terminal for consummating financial transaction (see
20 abstract; col. 1, lines 65+), wherein the portable terminal is a cellular phone or a pager (col. 1, lines 30+;) or a pager including a telephone interface (col. 4, lines 13+; see figure 1).

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In view of Davis' teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to modify such smart-card transaction system designed for a telephone so that it could be adapted for a pager. Portable terminal includes a various embodiments such as cellular phone, PDA, various notebooks, and a pager. Transactional system designed for a cellular phone can be obviously modified to function on other similar devices. Therefore, such modification would have been an obvious extension as suggested by Davis, well within one ordinary skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim
Primary Examiner
Art Unit 2876
August 5, 2005